



May 6, 2021

Docket No. 5145

Reconsideration of interpretation of R.I. Gen. Laws § 39-26.4-2(5)(ii)

Comments of Arcadia on the reconsideration of the PUC decision in Docket No. 5122

Arcadia respectfully requests that the Rhode Island Public Utility Commission (the “PUC”) declare the indefinite article “a” to mean “one or more” to provide consistency and predictability to the renewable energy development and management market.

Introduction

The following comments provide an overview of Arcadia’s experience in community solar programs across the nation; show support for the original Petitioner’s request that “a” be interpreted to mean “one or more”; and explain the value of consistent, predictable market regulations and interpretations.

Background

Founded in 2014, Arcadia (or the “Company”) is the first nationwide digital energy services platform. Arcadia’s job is to connect utility customers with clean energy while helping them save money. Depending on the local market structure, the Company provides a number of services to customers, including renewable energy credit purchasing, retail supply brokerage, and community solar.

Arcadia is the market leader in managing residential community solar subscriptions. The Company has 450 MW of community solar projects under management across Rhode Island, Maryland, Colorado, Illinois, Maine, Massachusetts, New York, and Washington, DC.

Arcadia has developed the most consumer-friendly approach to community solar available, providing a simple, two-minute sign-up with guaranteed savings, no credit checks, and no cancellation fees. The Company’s proprietary software includes algorithms that automatically match customers to projects, manage churn replacement, optimize allocations across every subscriber, and validate billing accuracy, every month, to ensure full subscription rates without imposing any risk on the customer.

Support for PUC’s intention to not cause significant market disruption

Arcadia appreciates the PUC’s intention to not cause major disruptions to the renewable energy development and management market and is pleased to see the PUC is reconsidering the decision made in Docket No. 5122. As it has become clear, the narrow interpretation of the indefinite article “a” to mean “one and only one” would cause significant disruption to the renewable energy development and management market as well as to a number of community solar subscribers throughout the state.

Through partnerships with community solar developers, the Company has five nonprofits and similar entities that are either currently enrolled in projects or are signed up to enroll in projects when they come online later this year. Given recent economic strain caused by the COVID-19 pandemic, these entities are counting on the savings they will see through their participation in the state's community solar program.

Should the PUC not change their determination and continue to interpret "a" to mean "one and no more" against what is commonly understood, then the Company, its solar developers and subscribers would face significant market uncertainty that would potentially lead to financial harm and threaten the development of solar resources in Rhode Island.

Statutes written in the singular also include the plural

The use of "a" is commonly understood to mean "one or more" and not "one and no more" as laid out in Nautilus' original petition for declaratory judgement.¹ The Rhode Island Legislature has codified this standard rule of statutory construction. "Every word importing the singular number only may be construed to extend to and to include the plural number also. . . ." R.I. Gen. Laws § 43-3-4 (2019). The Rhode Island Supreme Court has recognized that Section 43-3-4 broadly applies to questions of statutory interpretation. *O'Connell v. Walmsley*, 156 A.3d 422, 428 (R.I. 2017); *Pierce v. Providence Retirement Bd.*, 15 A.3d 957, 966 (R.I. 2011) (reversing agency determination that singular language excluded the plural). The same rule -- and result -- applies under federal law. 1 U.S.C. § 1 ("[W]ords importing the singular include and apply to several persons, parties, or things"). The Commission should revisit its determination on this issue and reach the opposite conclusion.

Predictable and consistent interpretations are beneficial

Predictable, consistent rules and interpretations of those rules are integral to successful renewable energy market development and expansion. Clearly, market participants can make better business decisions when standard interpretations are made. Consistent rules and interpretations reduce risk and make it easier for financial institutions to invest in renewable energy markets, reducing program costs and increasing local investment.

Specifically, Arcadia encourages the PUC to declare that the indefinite article "a" means "one or more" in the clause highlighted below from R.I. Gen. Laws 39-26.4-2(5)(ii):

(ii) Owned and operated by a renewable-generation developer on behalf of a public entity, educational institution, hospital, nonprofit, or multi-municipal collaborative through a net-metering financing arrangement shall be treated as an eligible net-metering system and all accounts designated by the public entity, educational institution, hospital, nonprofit, or multi-municipal collaborative for net

¹ Nautilus Solar Energy. Petition for Declaratory Judgement. Docket number 5122. January 25, 2021. <http://www.ripuc.ri.gov/eventsactions/docket/5122-NautilusSolar-DJPetition%201-25-21.pdf>

metering shall be treated as accounts eligible for net metering within an eligible net-metering system site.²

In doing so, the PUC declares that one or more public entity, educational institution, hospital, nonprofit, or multi-municipal collaborative may participate in the program through through a net-metering financing arrangement shall be treated as an eligible net-metering system and all accounts designated by the public entity, educational institution, hospital, nonprofit, or multi-municipal collaborative for net metering shall be treated as accounts eligible for net metering within an eligible net-metering system site. This is common practice in the existing market today and declaring otherwise will cause significant disruption.

Conclusion

Arcadia is grateful for the PUC taking action to reconsider this decision and its intention to not cause major market disruption. The Company strongly urges the PUC to declare the indefinite article “a” to mean “one or more” as is common practice. Determining otherwise may cause substantial harm to existing projects and subscribers and may discourage future investment in the state’s renewable energy market.

Arcadia appreciates the opportunity to provide these comments. Please don’t hesitate to contact Arcadia at James.Feinstein@arcadia.com or 202 999 8916 if you would like to discuss these matters further.

Sincerely,



James Feinstein
Senior Policy Manager
Arcadia

² R.I. Gen. Laws § 39-26.4-2(5)(ii).
<http://webserver.rilin.state.ri.us/Statutes/TITLE39/39-26.4/39-26.4-2.HTM>